IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application | PATENT APPLICATION |
| Inventor(s): Piehler, et al. | |
| Appl. No.: 10/785,564 | Art Unit: 2192 |
| Confirm. No.: 1341 | Examiner: Chrystine Pham |
| Filed: February 24, 2004 | |
| Title: SYSTEMS FOR TYPE-INDEPENDENT SOURCE CODE EDITING | Customer No. 23910 |

## TRANSMITTAL LETTER RE INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

*Enclosed with this statement are the following:*

✓     Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.

✓     As allowed under 37 C.F.R § 1.98(a)(2)(ii), no copies of the U.S. patents and U.S. patent application publications are enclosed, unless required by the office.

____     As allowed under 37 CFR §1.98(d), copies of cited documents noted with an asterisk are not enclosed because they were previously submitted in U.S. Patent Application No. ___/_____, which is relied on for an earlier effective filing date under 35 USC §120, and which included an Information Disclosure Statement that complies with 37 CFR §1.98(a) through (c).

____     A copy of an International Search Report dated _____ for Application No. _____.

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tplunkett/beas/1439us1/1439us1_supp_IDS_03

✓     If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

*This statement should be considered because:*

_     **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, <u>subsection (b)</u> because:

    (1)     It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
<div align="center">-- OR --</div>

    (2)     It is being filed within 3 months of entry of a national stage;
<div align="center">-- OR --</div>

    (3)     It is being filed before the mailing date of the first Office Action on the merits,
<div align="center">-- OR --</div>

    (4)     It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

✓     **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, <u>subsection (c)</u> because:

    (1)     It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.
<div align="center">-- AND <i>(check at least one of the following)</i> --</div>

      _     (1)     It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
<div align="center">-- OR --</div>

      ✓     (2)     It is accompanied by the $180 fee set forth in 37 C.F.R. §1.17(p).

_     **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, <u>subsection (d)</u> because:

    (1)     It is being filed on or before payment of the Issue Fee;
<div align="center">-- AND --</div>

    (2)     It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
<div align="center">-- AND --</div>

    (3)     It is accompanied by the $180 fee set forth in 37 C.F.R. §1.17(p).

_     ***PTA Statement under 37 C.F.R. §1.704(d).*** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

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__ *37 C.F.R. §1.97(e)(1).* THE UNDERSIGNED ATTORNEY HEREBY STATES THAT each item of information contained in this *Information Disclosure Statement* was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this *Information Disclosure Statement*; or

__ *37 C.F.R. §1.97(e)(2).* THE UNDERSIGNED ATTORNEY HEREBY STATES THAT no item of information contained in this *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this *Information Disclosure Statement* was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

✓ *Fee Authorization.* The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

FLIESLER MEYER LLP

Date: ___June 20, 2007___     By: ___/Thomas K. Plunkett/_____
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|---|---|---|---|
| *Information Disclosure Statement* **BY APPLICANT** *(Use several sheets if necessary)* | | Pichler, et al. | |
| | | Filing/Issue Date February 24, 2004 | Group Art Unit 2192 |

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| Form PTO-1449 (Substitute) | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | Attorney Docket Number BEAS-01439US1 | Application/Patent Number 10/785,564 |
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| Examiner Initial | Application Number | Filing Date | First Named Inventor | Petition to Expunge? Yes \| No |
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| | | | | |

Examiner Signature:_____ Date Considered:_____

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| | *Information Disclosure Statement* **BY APPLICANT** *(Use several sheets if necessary)* | Applicant/Patent Owner Pichler, et al. | |
| | | Filing/Issue Date February 24, 2004 | Group Art Unit 2192 |

| Examiner | Date Considered |
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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*1 = Copy not submitted because it was submitted in prior application SN __/_____, filed _____, 20___, relied on under 35 USC §120.

**2 = Copy not submitted because it was submitted in prior application SN __/_____, filed _____, 20___, relied on under 35 USC §120.

U.S. Patent Application No. 10/785,564
Attorney Docket No.: BEAS-01439US1

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Examiner Signature:_____ Date Considered:_____